

CAUSE NO. _____

GREAT LAKES INSURANCE SE and
IRONSHORE EUROPE DAC as subrogees of
FURNITURE PROCUREMENT SERVICES,
L.L.C. a/k/a FURNITURE PROCUREMENT
SERVICES LP,

Plaintiffs,

v.

MAUSER USA, LLC as successor to NATIONAL
CONTAINER GROUP, LLC,

Defendant.

IN THE DISTRICT COURT IN AND FOR
HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT**ORIGINAL PETITION**

Plaintiffs, Great Lakes Insurance SE (“Great Lakes”) and Ironshore Europe DAC (“Ironshore”, collectively with Great Lakes, “Plaintiffs”) as subrogees of Furniture Procurement Services, L.L.C. a/k/a Furniture Procurement Services LP (“Furniture Procurement”), by and through their counsel, Skierski Jain PLLC, hereby allege and state as follows:

I. DISCOVERY CONTROL PLAN

1. In accordance with the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs request that this case be set on Discovery Control Plan Level 2 in accordance with TEXAS RULE OF CIVIL PROCEDURE 190.3.

II. PARTIES

2. Great Lakes is in the business of issuing policies of insurance. Great Lakes’ principal place of business is in London, England. Great Lakes is a business enterprise formed pursuant to the laws of England and regulated by The Financial Conduct Authority in England. For the purpose of this action only, Great Lakes may be contacted through Skierski Jain PLLC at 400 North Saint Paul Street, Suite 510, Dallas, Texas 75201.

3. Ironshore Europe DAC is in the business of issuing policies of insurance. Ironshore's principal place of business is in Dublin, Ireland. For the purpose of this action only, Ironshore may be contacted through Skierski Jain PLLC at 400 North Saint Paul Street, Suite 510, Dallas, Texas 75201.

4. At all times relevant to this action, Great Lakes and Ironshore insured Furniture Procurement pursuant to Policy No. ARGL1000010-01 (the "Policy").

5. Mauser USA, LLC ("Mauser") is a domestic entity with its principal place of business located at Two Tower Center Drive, East Brunswick, New Jersey 08816. Upon information and belief, Mauser merged with National Container Group, LLC in or around October 2018. Mauser may be served through its registered agent, C T Corporation Company, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

III. JURISDICTION & VENUE

6. The Court exercises subject matter jurisdiction because the amount in controversy exceeds the minimum jurisdictional requirements.

7. The Court exercises personal jurisdiction over Mauser, an entity registered to do business in Texas.

8. Venue is proper pursuant to TEXAS CIV. PRAC. & REM. CODE § 15.002(a)(1).

IV. STATEMENT OF MONETARY RELIEF SOUGHT

9. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 47, Plaintiffs states that it seeks monetary relief over \$1,000,000. Specifically, as a result of Defendant's acts or omissions giving rise to this lawsuit, Plaintiffs incurred compensatory damages in the amount of at least \$1,973,223.54.

V. CONDITIONS PRECEDENT

10. All conditions precedent to the filing of this lawsuit or Plaintiffs' recovery have been satisfied.

VI. FACTS

11. Plaintiffs incorporate by reference as if fully stated herein each of the facts, statements and allegations contained in paragraphs 1 through 10 above.

12. At all times relevant to this action, Furniture Procurement insured the real property, business property and business operations located at 13101 Almeda Road, Houston, Texas 77045 (the “Premises”).

13. On or about May 28, 2018, at or about 6:26 a.m., a fire (the “Fire”) started inside real property located at 13131 Almeda Road, Houston, Texas 77045 (the “Mauser Premises”). The Premises and the Mauser Premises were both large commercial structures that neighbored one another.

14. The Mauser Premises was occupied by two tenants. Mauser occupied the east side of the structure while Textile Recycler, Inc. occupied the west side.

15. The Houston Arson Bureau (“HAB”) began investigating almost immediately after fire suppression efforts began. Starting at the exterior of the Mauser Premises, the HAB observed that the fire and smoke damage increased in severity as they moved eastward outside the Mauser Premises with the heaviest smoke damage located roughly 200 feet from the southeast corner of the Mauser Premises.

16. While examining the interior of the Mauser Premises, HAB Investigators observed that the fire damage increased in intensity the further east they travelled along the south side of the Mauser Premises. The HAB discovered the area of the Fire’s origin in this section of the Mauser Premises.

17. The HAB determined that the Fire was caused by an unspecified mechanical malfunction that occurred near the area of origin.

18. The Fire that began in the Mauser Premises caused damage to the neighboring Premises and Furniture Procurement’s business property. Furniture Procurement also suffered a loss of business income.

19. As a result of the Fire, Furniture Procurement incurred expenses. Those expenses totaled no less than \$1,973,223.54 (the “Expenses”).

20. At the time of the Fire, Furniture Procurement insured the Premises, including the structure

itself and its contents, against property damage and loss of business income pursuant to the Policy issued by Plaintiffs.

21. As a result of the damage to the Premises and pursuant to the Policy, Plaintiffs paid to or on behalf of Furniture Procurement \$723,223.54 for the damage to the Premises, \$1,000,000.00 for the loss of Furniture Procurement's business personal property and \$250,000.00 for the loss of Furniture Procurement's business income (collectively the "Expenses").

22. Furniture Procurement duly transferred and subrogated to Plaintiffs all of its rights and remedies to the extent of the Expenses. Plaintiffs do not herein seek recovery of any amounts for any other claims held by any party, including Furniture Procurement, for any other damages or claims related to the Fire.

23. Attached hereto as "Exhibit 1" and incorporated by reference are copies of documents evidencing the Expenses. Plaintiffs hereby plead each of the following causes of action in the alternative or cumulatively, whichever affords Plaintiffs the greater right of recovery, and seek recovery from the Defendant.

VII. CAUSE OF ACTION: NEGLIGENCE (MAUSER)

24. Plaintiffs incorporate by reference as if fully stated herein each of the facts, statements and allegations contained in paragraphs 1 through 23 above.

25. Mauser owed a duty of care to Furniture Procurement and other occupants and owners of neighboring commercial structures in the commercial complex in which the Premises are located.

26. Upon information and belief, Mauser breached its duty of care when it, among other things, (i) failed to exercise reasonable or ordinary care while maintaining Mauser's mechanical equipment within the Mauser Premises; (ii) failed to properly monitor the functions of mechanical equipment within the Mauser Premises and (iii) thereby caused the Fire.

27. Mauser's acts and omissions directly and proximately caused significant damage to the Premises and Furniture Procurement's business personal property and resulted in loss of business income.

28. As a result of the Fire, Furniture Procurement incurred the Expenses.

29. Plaintiffs, as subrogees of Furniture Procurement, hereby demand an award of compensatory damages in the amount of no less than \$1,973,223.54.

VIII. PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiffs hereby respectfully request judgment in favor of Plaintiffs and against Mauser and containing the following relief:

- (i) an award of compensatory damages in the amount of \$1,973,223.54;
- (ii) an award of costs of this Court, including discretionary fees to the fullest extent permitted at law and in equity; and
- (iii) such other and further relief, at law or in equity, as the Court may deem just and proper.

IX. REQUEST FOR DISCLOSURES

Pursuant to Rule 194 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs request that Defendant disclose the information and material described in Rule 194.2 of the TEXAS RULES OF CIVIL PROCEDURE. Plaintiffs requests that Defendant produce responsive documents at the undersigned law offices within fifty (50) days of service of this request.

X. NOTICE PURSUANT TO RULE 193

Pursuant to TEXAS RULE OF CIVIL PROCEDURE 193.7, Plaintiffs hereby provides notice that any and all documents produced by the Defendant or any other parties or non-parties hereto may be used as evidence at any pre-trial proceeding or at trial of this matter and are deemed authenticated absent timely objection by Defendant or any other party hereto.

Dated: January 28, 2020

Respectfully submitted by,

/s/ Doug Skierski

Doug Skierski

Texas Bar No. 24008046

C. Ryan Childress

Texas Bar No. 24109720

Skierski Jain PLLC

400 North Saint Paul, Suite 510

Dallas, Texas 75201

Main: (214) 446-0330

Facsimile: (214) 446-0322

Email: DSkierski@SkiJain.com

Email: RChildress@SkiJain.com

CAUSE NO. _____

GREAT LAKES INSURANCE SE and
IRONSHORE EUROPE DAC as subrogees of
FURNITURE PROCUREMENT SERVICES,
L.L.C. a/k/a FURNITURE PROCUREMENT
SERVICES LP,

Plaintiffs,

v.

MAUSER USA, LLC as successor to NATIONAL
CONTAINER GROUP, LLC,

Defendant.

IN THE DISTRICT COURT IN AND FOR
HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT

EXHIBIT 1

EXHIBIT A

Mills Mehr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2963 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
83-466/631

01032

06/24/2018

PAY Fifty Thousand and xx / 100 ***** AMOUNT
\$ *****50000.00

TO THE ORDER OF Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO Advance Payment #1 - 20.8205 - Furniture
Procurement Svc

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$50,000.00

Check Date: 06/24/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 06/22/2018 06/22/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

01032

Comment

Advance Payment #1 - 20.8205 - Furniture Procurement Svc

Claim Number

20.8205.286 PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$50,000.00

Check Date: 06/24/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 06/22/2018 06/22/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

01032

Comment

Advance Payment #1 - 20.8205 - Furniture Procurement Svc

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2963 Gulf to Bay Blvd. Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01032

06/24/2018

PAY Fifty Thousand and xx / 100 ***** AMOUNT
\$ *****50000.00

TO THE Furniture Procurement Svc
ORDER OF PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO Advance Payment #1 - 20.8205 - Furniture
Procurement Svc

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$50,000.00

Check Date: 06/24/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 06/22/2018 06/22/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

01032

Comment

Advance Payment #1 - 20.8205 - Furniture Procurement Svc

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$50,000.00

Check Date: 06/24/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 06/22/2018 06/22/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

01032

Comment

Advance Payment #1 - 20.8205 - Furniture Procurement Svc

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2963 Gulf to Bay Blvd. Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
83-466/631

01038
07/11/2018

PAY Seventy-five Thousand and xx / 100 ***** AMOUNT
\$ *****75000.00

TO THE Furniture Procurement Svc
ORDER OF PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO 2nd Advance Payment - 20.8205 - Furniture
Procurement Svc

01038

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$75,000.00

Check Date: 07/11/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 07/10/2018 07/10/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

Comment

2nd Advance Payment - 20.8205 - Furniture Procurement Svc

01038

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$75,000.00

Check Date: 07/11/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 07/10/2018 07/10/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

Comment

2nd Advance Payment - 20.8205 - Furniture Procurement Svc

Mills Mehr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2963 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01038
07/11/2018

PAY Seventy-five Thousand and xx / 100 ***** AMOUNT
\$ *****75000.00

TO THE ORDER OF Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO 2nd Advance Payment - 20.8205 - Furniture
Procurement Svc

01038

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$75,000.00

Check Date: 07/11/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 07/10/2018 07/10/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

Comment

2nd Advance Payment - 20.8205 - Furniture Procurement Svc

01038

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$75,000.00

Check Date: 07/11/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 07/10/2018 07/10/2018

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

Comment

2nd Advance Payment - 20.8205 - Furniture Procurement Svc

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2963 Gulf to Bay Blvd. Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01045
08/30/2018

PAY Fourteen Thousand Four Hundred Seventeen and 98 / 100 ***** AMOUNT
\$ ****14417.98

TO THE Furniture Procurement Svc & Agarita Almeda, LLC
ORDER OF PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO Advance Payment #3 - HVAC Repairs - 20.8205 -
Furniture Procurement Services

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$14,417.98

Check Date: 08/30/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 08/30/2018 08/30/2018

Payee Name: Furniture Procurement Svc & Agarita Almeda
PO Box 451189
Houston, TX 77245

01045

Comment

Advance Payment #3 - HVAC Repairs - 20.8205 - Furniture Procurement Services

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$14,417.98

Check Date: 08/30/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 08/30/2018 08/30/2018

Payee Name: Furniture Procurement Svc & Agarita Almeda
PO Box 451189
Houston, TX 77245

01045

Comment

Advance Payment #3 - HVAC Repairs - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2963 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01045

08/30/2018

PAY Fourteen Thousand Four Hundred Seventeen and 98 / 100 ***** AMOUNT
\$ ****14417.98

VOID AFTER 180 DAYS

TO THE Furniture Procurement Svc & Agarita Almeda, LLC
ORDER OF PO Box 451189
Houston, TX 77245

MEMO Advance Payment #3 - HVAC Repairs - 20.8205 -
Furniture Procurement Services

01045

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$14,417.98

Check Date: 08/30/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 08/30/2018 08/30/2018

Payee Name: Furniture Procurement Svc & Agarita Almeda
PO Box 451189
Houston, TX 77245

Comment

Advance Payment #3 - HVAC Repairs - 20.8205 - Furniture Procurement Services

01045

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$14,417.98

Check Date: 08/30/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 08/30/2018 08/30/2018

Payee Name: Furniture Procurement Svc & Agarita Almeda
PO Box 451189
Houston, TX 77245

Comment

Advance Payment #3 - HVAC Repairs - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2963 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
83-466/631

01046
09/17/2018

PAY Five Hundred Thousand and xx / 100 ***** AMOUNT
\$ ***500000.00

TO THE ORDER OF Furniture Procurement Svc & Spirit of Texas Bank ssb
PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO BPP Full Indemnity - 20.8205 - Furniture
Procurement Services

01046

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$500,000.0

Check Date: 09/17/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 09/14/2018 09/14/2018

Payee Name: Furniture Procurement Svc & Spirit of Texas
Bank ssb
PO Box 451189
Houston, TX 77245

Comment

BPP Full Indemnity - 20.8205 - Furniture Procurement Services

01046

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$500,000.0

Check Date: 09/17/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 09/14/2018 09/14/2018

Payee Name: Furniture Procurement Svc & Spirit of Texas
Bank ssb
PO Box 451189
Houston, TX 77245

Comment

BPP Full Indemnity - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2963 Gulf to Bay Blvd. Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
83-466/631

01046
09/17/2018

PAY Five Hundred Thousand and xx / 100 ***** AMOUNT
\$ ***\$500000.00

TO THE ORDER OF Furniture Procurement Svc & Spirit of Texas Bank ssb
PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO BPP Full Indemnity - 20.8205 - Furniture
Procurement Services

01046

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$500,000.0
Check Date: 09/17/2018
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 09/14/2018 09/14/2018
Payee Name: Furniture Procurement Svc & Spirit of Texas
Bank ssb
PO Box 451189
Houston, TX 77245

Comment

BPP Full Indemnity - 20.8205 - Furniture Procurement Services

01046

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$500,000.0
Check Date: 09/17/2018
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 09/14/2018 09/14/2018
Payee Name: Furniture Procurement Svc & Spirit of Texas
Bank ssb
PO Box 451189
Houston, TX 77245

Comment

BPP Full Indemnity - 20.8205 - Furniture Procurement Services

Mills Mettr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2953 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33758

Regions Bank
Clearwater, FL
83-486/631

01058

12/06/2018

AMOUNT

PAY One Hundred Ninety-four Thousand Four Hundred Sixty-eight and 69 / 100 *****

\$ ***194468.69

VOID AFTER 180 DAYS

TO THE
ORDER OF Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

MEMO Mitigation Services Rendered to date - 20.8205 -
Furniture Procurement Services

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$194,468.6

Check Date: 12/06/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 12/05/2018 12/05/2018

Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

01058

Comment

Mitigation Services Rendered to date - 20.8205 - Furniture Procurement Services

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$194,468.6

Check Date: 12/06/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 12/05/2018 12/05/2018

Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

01058

Comment

Mitigation Services Rendered to date - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2903 Gulf to Bay Blvd. Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
83-486/631

01060

12/05/2018

PAY One Hundred Ninety-four Thousand Four Hundred Sixty-eight and 69 / 100 *****

AMOUNT

\$ ***194468.69

TO THE ORDER OF Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

VOID AFTER 180 DAYS

MEMO Mitigation Services Rendered to date - 20.8205 -
Furniture Procurement Services

01060

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$194,468.6

Check Date: 12/06/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 12/05/2018 12/05/2018

Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

Comment

Mitigation Services Rendered to date - 20.8205 - Furniture Procurement Services

01060

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$194,468.6

Check Date: 12/06/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 12/05/2018 12/05/2018

Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

Comment

Mitigation Services Rendered to date - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2963 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/531

01059
12/18/2018

PAY Sixty-six Thousand Six Hundred Sixty-five and 17/100 ***** AMOUNT
\$ ****66663.17

VOID AFTER 180 DAYS

TO THE ORDER OF Furniture Procurement Svc & Agarita Almeda, LLC
PO Box 451189
Houston, TX 77245

MEMO Undisputed Bldg ACV Indemnity - 20.8205 -
Furniture Procurement Services

01059

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$66,665.17

Check Date: 12/18/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 12/18/2018 12/18/2018

Payee Name: Furniture Procurement Svc & Agarita
Almeda, LLC
PO Box 451189
Houston, TX 77245

Comment

Undisputed Bldg ACV Indemnity - 20.8205 - Furniture Procurement Services

01059

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$66,665.17

Check Date: 12/18/2018

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 12/18/2018 12/18/2018

Payee Name: Furniture Procurement Svc & Agarita
Almeda, LLC
PO Box 451189
Houston, TX 77245

Comment

Undisputed Bldg ACV Indemnity - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2963 Gulf to Bay Blvd, Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
83-466/631

01061
12/18/2018

PAY Sixty-six Thousand Six Hundred Sixty-five and 17/100 ***** AMOUNT
\$ ****66665.17

VOID AFTER 180 DAYS

TO THE Furniture Procurement Svc & Agarita Alameda, LLC
ORDER OF PO Box 451189
Houston, TX 77245

MEMO Undisputed Bldg ACV Indemnity - 20.8205 -
Furniture Procurement Services

01061

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$66,665.17
Check Date: 12/18/2018
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 12/18/2018 12/18/2018
Payee Name: Furniture Procurement Svc & Agarita
Alameda, LLC
PO Box 451189
Houston, TX 77245

Comment

Undisputed Bldg ACV Indemnity - 20.8205 - Furniture Procurement Services

01061

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$66,665.17
Check Date: 12/18/2018
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 12/18/2018 12/18/2018
Payee Name: Furniture Procurement Svc & Agarita
Alameda, LLC
PO Box 451189
Houston, TX 77245

Comment

Undisputed Bldg ACV Indemnity - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2963 Gulf to Bay Blvd. Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01066
01/14/2019

PAY Forty-seven Thousand Seven Hundred Sixty-eight and 30 / 100 ***** AMOUNT
\$ ****47768.30

VOID AFTER 180 DAYS

TO THE ORDER OF Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

MEMO Supplemental Mitigation Payment - 20.8205 -
Furniture Procurement Services

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$47,768.30
Check Date: 01/14/2019
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 01/04/2019 01/04/2019
Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

01066

Comment

Supplemental Mitigation Payment - 20.8205 - Furniture Procurement Services

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$47,768.30
Check Date: 01/14/2019
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 01/04/2019 01/04/2019
Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

01066

Comment

Supplemental Mitigation Payment - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2963 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01064
01/14/2019

PAY Forty-seven Thousand Seven Hundred Sixty-eight and 31 / 100 ***** AMOUNT
\$ *****47768.31

VOID AFTER 180 DAYS

TO THE ORDER OF Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

MEMO Supplemental Mitigation Payment - 20.8205 -
Furniture Procurement Services

01064

Claim Number

20.8205.266.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$47,768.31

Check Date: 01/14/2019

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 01/04/2019 01/04/2019

Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

Comment

Supplemental Mitigation Payment - 20.8205 - Furniture Procurement Services

01064

Claim Number

20.8205.266.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$47,768.31

Check Date: 01/14/2019

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 01/04/2019 01/04/2019

Payee Name: Blackmon Mooring of Houston
10511 Kipp Way
Suite 400
Houston, TX 77099

Comment

Supplemental Mitigation Payment - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Great Lakes Reinsurance (UK) SE
2963 Gulf to Bay Blvd. Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01108
08/08/2019

PAY Thirty-eight Thousand Two Hundred Ninety-one and 62 / 100 ***** AMOUNT \$ ****38291.62

TO THE ORDER OF Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

VOID AFTER 180 DAYS

MEMO Final BI/EE Indemnity - 20.8205 - Furniture
Procurement Services

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$38,291.62
Check Date: 08/08/2019
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 07/03/2019 07/03/2019
Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

01108

Comment

Final BI/EE Indemnity - 20.8205 - Furniture Procurement Services

Claim Number
20.8205.286.PD
Claimant Name
Furniture Procurement Svc

Check Amt: \$38,291.62
Check Date: 08/08/2019
Adjuster: demeld
Invoice No:
Invoice Date:
Date Of Loss: 05/28/2018
Service Dates: 07/03/2019 07/03/2019
Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

01108

Comment

Final BI/EE Indemnity - 20.8205 - Furniture Procurement Services

Mills Mehr & Associates, Inc.
on Behalf of Ironshore Europe DAC
2963 Gulf to Bay Blvd., Suite 208
Clearwater, FL 33759

Regions Bank
Clearwater, FL
63-466/631

01104
08/08/2019

PAY Thirty-eight Thousand Two Hundred Ninety-one and 63 / 100 ***** AMOUNT
\$ ****38291.63

VOID AFTER 180 DAYS

TO THE Furniture Procurement Svc
ORDER OF PO Box 451189
Houston, TX 77245

MEMO:Final BI/EE Indemnity - 20.8205 - Furniture
Procurement Services

01104

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$38,291.63

Check Date: 08/08/2019

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 07/03/2019 07/03/2019

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

Comment

Final BI/EE Indemnity - 20.8205 - Furniture Procurement Services

01104

Claim Number

20.8205.286.PD

Claimant Name

Furniture Procurement Svc

Check Amt: \$38,291.63

Check Date: 08/08/2019

Adjuster: demeld

Invoice No:

Invoice Date:

Date Of Loss: 05/28/2018

Service Dates: 07/03/2019 07/03/2019

Payee Name: Furniture Procurement Svc
PO Box 451189
Houston, TX 77245

Comment

Final BI/EE Indemnity - 20.8205 - Furniture Procurement Services

CAUSE NO. 2020-05819

GREAT LAKES INSURANCE SE and	§	IN THE DISTRICT COURT OF
IRONSHORE EUROPE DAC as subrogees	§	
of FURNITURE PROCUREMENT	§	
SERVICES, L.L.C. a/k/a FURNITURE	§	
PROCUREMENT SERVICES LP,	§	
	§	HARRIS COUNTY, TEXAS
Plaintiff,	§	
	§	
V.	§	
	§	
MAUSER USA, LLC as successor to	§	
NATIONAL CONTAINER GROUP, LLC,	§	129th JUDICIAL DISTRICT
	§	
Defendant.		

DEFENDANT'S ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE

Defendant, **MAUSER USA, LLC as successor to NATIONAL CONTAINER GROUP, LLC**, files this their Original Answer to Plaintiff's Original Petition and would respectfully show the Court as follows:

I.

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant denies each and every, all and singular, the material allegations contained in Plaintiff's Petition, and demands strict proof thereof as required by the constitution and laws of the State of Texas.

II.

Defendant pleads Chapter 33 of the Texas Civil Practice and Remedies Code and asks the Court and Jury to consider the relative damages and conduct of the parties and all tortfeasors, including the Plaintiff, and accord the Defendant full benefit of said law. Defendant is entitled to an offset, credit or percentage reduction based upon any determination of the relative fault of all persons and tortfeasors or upon the amount of money paid by all other Defendants, persons, and/or tortfeasors to Plaintiff.

III.

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Defendant hereby demands a trial by jury and makes application thereof.

IV.

Pursuant to Texas Rule of Civil Procedure 194, Defendant hereby requests that Plaintiff disclose, within thirty (30) days of the service of this request, the information or material described in Rule 194.2.

PRAYER

Defendant, **MAUSER USA, LLC as successor to NATIONAL CONTAINER GROUP, LLC**, prays that upon trial hereof, Plaintiff take nothing from Defendant, and that Defendant recover all costs of court and such other and further relief at law or in equity to which it may be justly entitled.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Sandy Huynh

Zandra E. Foley

State Bar No. 24032085

Sandy Huynh

State Bar No. 24057454

One Riverway, Suite 1400

Houston, Texas 77056

Telephone: (713) 403-8210

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E-Mail: zfoley@thompsoncoe.com

E-Mail: shuynh@thompsoncoe.com

**ATTORNEYS FOR DEFENDANT,
MAUSER USA, LLC as successor to
NATIONAL CONTAINER GROUP, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been furnished to all counsel of record on this 2nd day of March, 2020, via e-filing:

/s/ Sandy Huynh

Sandy Huynh